

Ser. No.: 10/541,798

Docket No.: 1041-0001WOUS

Art Unit: 2165

Amendment and Reply dated October 15, 2009

To Office Action of April 15, 2009

REMARKS

Claims 1-22 are pending. Claims 1-19 and 22 have been rejected by the Examiner under 35 U.S.C. §112, first paragraph, Claim 21 has been rejected by the Examiner under 35 U.S.C. §112, second paragraph, Claims 1-22 have been rejected by the Examiner under 35 U.S.C. §101, Claims 1-22 have been rejected by the Examiner under 35 U.S.C. §103. No claims were objected to, and no claims were allowed.

By this Amendment and Reply, Claims 1-9, 12-18 and 20-22 are amended, and no claims are cancelled or added. Accordingly, Claims 1-22 remain pending for further examination. Entry of the above-described amendment and favorable reconsideration of this application in light of the following discussion is requested.

Claim Amendments:

As noted above, Claims 1-9, 12-18 and 20-22 are amended. Support for the amendments to independent Claims 1, 16 and 22 may be found in the original disclosure and at least at paragraphs [0019], [0022]-[0023], and [0028] and FIGS. 3-6 of the Specification as filed (e.g., paragraphs [0039], [0042]-[0043], and [0052] of the Specification as published). The claims that depend from these independent claims were also amended to conform to the recitation of elements in the independent claims.

35 U.S.C. §112 Rejections:

In Sections 1 and 2 of the Office Action, the Examiner rejects Claims 1-19 and 22 under 35 U.S.C. §112, first paragraph, alleging that the claims fail to comply with the written description requirement. These rejections are respectfully disagreed with, and are traversed below.

At page 3 of the Office Action the Examiner highlights a limitation of independent Claims 1, 16 and 22, as previously presented, and specifically, the limitation:

“... by providing a plurality of professional scheme models at an enterprise view, a business unit view, a division view, departmental view, team view and an individual view, ...”.

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The Examiner then asserts that Applicants' claim of support for the amendments to the independent claims being in the Specification at paragraph [0028] and FIG. 6 are misplaced. For example, the Examiner states "[t]here is no support in the specification to equate a shell to a view." And, further the Examiner provides a definition from a Microsoft computer dictionary that a shell is a program. See Office Action at page 3, second full paragraph.

Applicants respectfully disagree with this characterization of the Specification and the terms "shell" and "view" as used therein as well as in the claims of the pending application. While the subject limitation in independent Claims 1, 16 and 22 has been amended by this Amendment and Reply, Applicants submit that the Examiner has fundamentally misinterpreted the claim language and the Specification such that clarification is provided to advance further prosecution of this application. For example, the term "view" is replaced by the term "shell" in Claims 1, 16 and 22 as now written in this Amendment and Reply such that Applicants believe it is necessary to address the substance of the Examiner's statements and apparent misinterpretation of this feature of the invention.

Firstly, nowhere in the Specification or prosecution history has Applicants used the terms "shell" or "view" to describe a computer program or portion thereof. In fact, the contrary is true. For example, as the Examiner notes, Applicants previously directed the Examiner's attention to paragraph [0028] of the Specification and FIG. 6 for support of the subject claim limitation. Paragraph [0028] reads:

"[0028] As illustrated in FIG. 6, the COTA system 100 is scalable as it applies globally from an enterprise view down to an individual's view of their COTA categories. Accordingly, executives can develop a global, enterprise wide COTA model or shell 300. The enterprise COTA shell 300 is based upon the organization's mission, charter, priorities, values, and goals. In other words, executives can identify a priority for "clients," "outputs," "teams," and "administration" for the entire organization. Selected KID can be stored by executives and/or other approved employees under each heading. The enterprise COTA shell 300 is then passed throughout the enterprise's hierarchy to facilitate and implement business planning. As described above, each level of an organization can access the enterprise COTA shell 300 as well as individual COTA shells such as a business unit COTA shell 310, division COTA shell 320, departmental COTA shell 330, team COTA shell 340 and personal COTA shell 350. One perceived advantage of this facility is that it is seen to add value to the "public folders" concept because it provides an easily understood place for people to find group information. This is seen to create a more coherent management

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process. For example, if an organization is shifting its focus towards a new or different client base, this shift in focus can be identified under the enterprise COTA shell's 300 "client" category by the executive team. Similarly, the enterprise COTA shell's 300 "output" category details output and value added outputs offered by the organization. The enterprise COTA shell's 300 "teams" category provides an organizational chart for the entire company. The Teams category can include mission statements, rosters, calendars, etc. for each major business unit, division, etc. The enterprise COTA shell's 300 "administration" category contains a variety of administration guidelines, forms, benefit outputs, etc. The scalability of the COTA concept insures that every employee trained to use the COTA system 100 (from executive to associate) instantly understands the enterprise's mission, objectives, etc. and can locate KID in a more efficient manner." Specification as filed at page 12 (emphasis added).

It is respectfully submitted that one skilled in the art appreciates that the terms "view", "shell" and "model" each relate to how KID (knowledge, information and data) is stored in various levels and partitions of a system for storing KID having a universal, knowledge, information and data store (UKIDS) (Claims 1 and 22), and a storage management system having a UKIDS (Claim 16). Moreover, as stated in the Manual of Patent Examining Procedure (MPEP) §2106 II C, with reference to MPEP §2111.01, it is well settled that:

"[w]here an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01."

While during examination claims are given their broadest reasonable interpretation in light of the supporting disclosure, taken within the context of the written description of the present invention, e.g., the original Specification, drawings and claims as filed, as well as the claims as now pending, the terms "view", "shell" and "model" clearly recite how KID is stored in various levels and partitions of a universal, knowledge, information and data store (UKIDS) of the recited invention. It is inappropriate to find that these terms related merely to software.

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In view of the foregoing amendments and comments, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 1-19 and 22 under 35 U.S.C. §112, first paragraph, as alleging failing to comply with the written description requirement.

In Sections 3 and 4 of the Office Action, the Examiner rejects Claim 21 under 35 U.S.C. §112, second paragraph, alleging that the limitation "their employee" in line 3 of the claim has insufficient antecedent basis. Claim 21 has been amended to address with the Examiner's comments.

In view of the amendment to Claim 21, reconsideration and withdrawal of the rejection to Claim 21 under 35 U.S.C. §112, second paragraph, is respectfully requested.

35 U.S.C. §101 Rejection:

In Sections 5 and 6 of the Office Action, the Examiner rejects Claims 1-22 under 35 U.S.C. §101, alleging that the claimed invention is directed to non-statutory subject matter and, particularly, merely software. These rejections are respectfully disagreed with, and are traversed below.

As noted above, the instant invention and the pending claims recite how KID (knowledge, information and data) is stored in various levels and partitions of a system for storing KID having a universal, knowledge, information and data store (UKIDS) (Claims 1 and 22), and a storage management system having a UKIDS (Claim 16). Moreover, the claims have been amended to even further clarify this point. Accordingly, the claims as now written are clearly tied to systems having a UKIDS and therefore clearly fall within the scope of 35 U.S.C. §101.

Accordingly, reconsideration and withdrawal of the rejections to Claims 1-22 under 35 U.S.C. §101, is respectfully requested.

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Prior Art Rejections:

In Sections 7 and 8 of the Office Action the Examiner rejects Claims 1-19, and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Copperman et al. (U.S. Patent No. 6,711,585 B1) in view of Szabo (U.S. Patent No. 7,181,438 B1). These rejections are respectfully disagreed with, and are traversed below.

Copperman et al. are merely seen to describe a method and system to organize and retrieve information using taxonomies, a document classifier, and an autocontextualizer. Documents (or other knowledge containers) in an organization and retrieval subsystem may be manually or automatically classified into taxonomies. Documents are transformed from clear text into a structured record. Automatically constructed indexes help identify when the structured record is an appropriate response to a query. An automatic term extractor creates a list of terms indicative of the documents' subject matter. A subject matter expert identifies the terms relevant to the taxonomies. A term analysis system assigns the relevant terms to one or more taxonomies, and a suitable algorithm is then used to determine the relatedness between each list of terms and its associated taxonomy. The system then clusters documents for each taxonomy in accordance with the weights ascribed to the terms in the taxonomy's list and a directed acyclic graph (DAG) structure is created. See Copperman et al. at the Abstract.

Szabo is merely seen to describe an improved human user computer interface system, wherein a user characteristic or set of characteristics, such as demographic profile or societal "role", is employed to define a scope or domain of operation. The operation itself may be a database search, to interactively define a taxonomic context for the operation, a business negotiation, or other activity. After retrieval of results, a scoring or ranking may be applied according to user define criteria, which are, for example, commensurate with the relevance to the context, but may be, for example, by date, source, or other secondary criteria. A user profile is preferably stored in a computer accessible form, and may be used to provide a history of use, persistent customization, collaborative filtering and demographic information for the user. Advantageously, user privacy and anonymity is maintained by physical and algorithmic controls over access to the personal profiles, and releasing only aggregate data without personally identifying information or of small groups. See Szabo at the Abstract.

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The Examiner proposes combination of Copperman et al. and Szabo to reach each of the limitations of the independent claims. Firstly, it is noted that neither reference expressly or implicitly describes or suggest a UKIDS that spans both hard-copy (physical) and logical (electronic) storage devices. With reference to Claim 9 and Copperman et al. at Col. 5, lines 20-26, the Examiner asserts that Copperman et al. disclose data storage platforms including electronic and hard-copy storage means. Applicants respectfully disagree. Copperman et al. merely disclose electronic storage and, specifically:

"FIG. 1 depicts a knowledge map 10 for organizing various dimensions of information. As shown in FIG. 1, knowledge map 10 comprises knowledge containers 20, taxonomies 30 and taxonomy tags 40. Knowledge containers 20 are individual instances of information that may be associated with one or more taxonomies 30 through the use of one or more taxonomy tags 40.

Different types of knowledge containers 20 are used for different kinds of content and resources. Knowledge containers 20 can represent both rich electronic content (such as documents, answers to questions, marketing materials, etc.) and other physical and electronic resources (such as experts, customers, online communities of interest, software applications, etc.) The system uses a standard object-oriented inheritance model to implement the different types of knowledge containers 20. This provides a mechanism for creating new types of knowledge containers, which represent new types of content or resources, by creating and augmenting subtypes of the existing types. As further explained in Table 1, the types of knowledge containers include but are not limited to: document, question, answer, knowledge consumer, knowledge provider, e-resource and product knowledge containers." See Copperman et al. at Col. 5, lines 12-35.

For example, Copperman et al.'s knowledge containers are merely part of an electronic organization and retrieval subsystem as described above with reference to the Abstract of Copperman et al.

Further, the proposed combination of Copperman et al. and Szabo fail to reach the independent claims as now written. For example, Claim 1 now recites, inter alia:

"1. A system for storing knowledge, information and data (KID), comprising:
a plurality of sources of KID;
a plurality of receivers of KID ...; and
a universal knowledge, information and data store (UKIDS), said UKIDS having a plurality of physical and logical levels and partitions for segregating and storing said KID in a priority-based and standardized scheme within said UKIDS, said priority based and standardized scheme includes a clustering of KID into a plurality of predefined personal and professional storage subsets for

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transferability between said receivers, extensibility across data store platforms within said UKIDS and scalability in understanding of said KID by each of said receivers, said predefined professional storage subsets cluster KID into said levels and partitions of an enterprise shell, a business unit shell, a division shell, departmental shell, team shell and an individual shell, said system further including rules and tools for configuring said UKIDS and for storing and accessing KID included therein;

said rules define methods for allocating KID within one of said plurality of predefined personal and professional storage subsets, for ...;

said tools include features and functions for ..., for identifying targeted storage locations within specific ones of said plurality of predefined personal and professional storage subsets, for ...; and

a first one of said physical and logical levels and partitions segregates and stores KID into one of said predefined personal storage subsets and said predefined professional storage subsets, said predefined personal storage subsets segregates and stores KID into a second one of said physical and logical levels including partitions of a TEAMS OF PEOPLE storage subset, an ACTIVITIES storage subset and an ORGANIZATION AND ADMINISTRATION storage subset, and said predefined professional storage subsets segregates and stores KID into a plurality of second ones of said physical and logical levels, each of said plurality of second ones of said physical and logical levels including partitions of a CLIENTS storage subset, an OUTPUT storage subset, a TEAMS storage subset and an ADMINISTRATION storage subset, and each of said plurality of second ones of said physical and logical levels is one of said enterprise shell, said business unit shell, said division shell, said departmental shell, said team shell and said individual shell for said KID." Independent Claim 1 as now written (emphasis added).

As recited in Claim 1, as now written, the UKIDS includes physical and logical levels and partitions (depicted in FIGS. 3, 4, 5A and 5B, and 6), a plurality of predefined personal and professional storage subsets, the professional storage subsets clustering KID into levels and partitions of an enterprise shell, a business unit shell, a division shell, departmental shell, team shell and an individual shell. The personal storage subsets segregate and store KID into a second physical and logical level including specific partitions of a TEAMS OF PEOPLE storage subset, an ACTIVITIES storage subset and an ORGANIZATION AND ADMINISTRATION storage subset. The professional storage subsets segregate and store KID into a plurality of second physical and logical levels, each second level including specific partitions of a CLIENTS storage subset, an OUTPUT storage subset, a TEAMS storage subset and an ADMINISTRATION storage subset (referred to as COTA subsets). And, each of the second physical and logical

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levels is one of the enterprise shell, the business unit shell, the division shell, the departmental shell, the team shell and the individual shell for said KID.

It is respectfully submitted that neither of the reference alone or in the proposed combination suggest the aforementioned novel and non-obvious physical and logical levels and partitions including specific personal and professional storage subsets, the subsets/partitions being implemented at plurality of levels to provide various views of the KID. For example, the professional subsets are employed within a plurality of shells (models or views) of the KID to provide an enterprise COTA shell for KID, a business unit COTA shell for KID, a division COTA shell for KID, a departmental COTA shell for KID, a team COTA shell for KID and an individual COTA shell for KID.

Independent Claims 16 and 22 include similar limitations.

Moreover, while Copperman et al., Szabo, and some of the previously cited references, may disclose differing taxonomies and structures for storing electronic data, no reference cited to date, alone or in combination, teaches or discloses the recited invention as described above and as expressed in the claims as now written. The mere mention of data that may fall within one of more of the recited storage subsets does not render the claimed invention obvious. For example, the Examiner assertions that Copperman et al. states that a tag for a knowledge container may be "IBM" or "organization" or "government agencies" or "team sports," or that Szabo discloses data of "family," "friends," "colleagues," "commercial," or "church" that may be stored in one or more of the recited storage subsets, does not render the claimed invention obvious. As recited in the claims as now written, the present invention is directed to segregating and storing KID in a UKIDS, not to the data itself.

In view of the foregoing amendments to independent Claims 1, 16 and 22, and the comments above, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 1-19, and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Copperman et al. in view of Szabo.

In Section 9 of the Office Action the Examiner rejects Claim 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Copperman et al. in view of Szabo, and in view of Francis

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et al. (U.S. Patent Publication No. 2003/0101153 A1). These rejections are respectfully disagreed with, and are traversed below.

The deficiencies in the application of Copperman et al. and Szabo to independent Claim 1 are described above. Claim 20 depends from and further limits Claim 1, and recites a specific rule for purging KID from the UKIDS.

The Examiner points to Francis et al. at paragraph 0162, and asserts that the recited purging rule would be obvious to one skilled in the art because Francis et al. disclose a perceived inconvenience employees endure as "every day expertise" is typically left behind when an employee leaves a company and information such as lab notebooks must be left behind as they are the property of the company.

Firstly, since Claim 1, as now written, is deemed patentable over the proposed combination of Copperman et al. and Szabo, and since Francis et al. is not seen to cure the above noted deficiencies of application of Copperman et al. and Szabo to Claim 1, Claim 20 is deemed patentable over the proposed combination of Copperman et al., Szabo, and Francis et al. at least through its dependency to Claim 1.

Moreover, even if one skilled in the art would appreciate the perceived inconvenience to employees as expressed by Francis et al., it is not seen how one skilled in the art would arrive at the recited purging rule including, for example, a copying of a set of personal storage subsets from a UKIDS, moving the subsets to a long term storage device, and then purging the subsets from the UKIDS, as is recited in Claim 20.

Accordingly, even assuming that Copperman et al., Szabo, and Francis et al. are somehow combined, the proposed combination would not meet the limitations of Claim 20 as written.

In view thereof, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claim 20 under 35 U.S.C. §103(a) as allegedly being unpatentable over Copperman et al. in view of Szabo, and in view of Francis et al.

In Section 10 of the Office Action the Examiner rejects Claim 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Copperman et al. in view of Szabo, and in view of Official Notice. These rejections are respectfully disagreed with, and are traversed below.

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The deficiencies in the application of Copperman et al. and Szabo to independent Claim 1 are described above. Claim 21 depends from and further limits Claim 1, and recites specific rules for sharing and distributing KID.

The Examiner alleges that Copperman et al. at Col. 16, lines 6-7 disclose rules for sharing and distributing KID. However, this portion of Copperman et al. merely describes as "a set of transformational inference rules" "applied to refine taxonomy tags." See Copperman et al. at Col. 16, lines 1-7. These transformational inference rules do not remotely address the limitations of Claim 21. Nowhere are "targeted locations" or "quantity reduction and content quality improvement goals" as recited in Claim 21, described or suggested by the reference.

Moreover, the Examiner alleges and takes Official Notice that "it is well known to provide a tour from a current employee to a successor employee to get acquaintance with the location of the data stored in the company." Applicants respectfully disagree. Nowhere is Applicants' UKIDS having a plurality of physical and logical levels and partitions taught or suggested by any reference, therefore touring the levels and partitions as recited in the instant claims could not possible be suggested.

Additionally, since Claim 21 is dependent on Claim 1, as now written, and Claim 1 as now written is deemed patentable over the proposed combination of Copperman et al. and Szabo, and since the alleged Official Notice is not seen to cure the above noted deficiencies, Claim 21 is deemed patentable over the proposed combination of Copperman et al., Szabo, and the alleged Official Notice, at least through its dependency to Claim 1.

In view thereof, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claim 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Copperman et al. in view of Szabo, and in view of Official Notice.

Deficiencies in an Affidavit of Michael R. Song Filed under 37 CFR 1.132:

In Section 12 of the Office Action the Examiner provides comments on an Affidavit of Michael R. Song Filed under 37 CFR 1.132. It is regrettable that the Examiner has afforded the Affidavit light weight, finding Mr. Song's statements and evidence biased by an interest in the outcome of the present case.

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Additionally, at point (b) of Section 12, the Examiner calls attention to an obvious typographical error in the title of a book presented to the Examiner at an in-person interview conducted on November 13, 2008. That is, the Affidavit incorrectly references the book as "The Hamster Revolution Revolution" when the actual title of the book is "The Hamster Revolution." It is believed that the book, as being reference in the Affidavit and discussed during the interview of November 13, 2008, is properly in the record. However, merely to streamline further prosecution, Applicants submit an Information Disclosure Statement (IDS) such that the Examiner may now consider the book "The Hamster Revolution" provided to him on November 13, 2008 and, in particular, pages 81 to 104 describing the invention and the claims of commercial success derived, in part, therefrom. Appended to this Amendment and Reply are the IDS, PTO form PTO/SB/08B (substitute), and authorization for the fee appropriate for consideration of the book. Consideration is respectfully requested.

Applicants believe that the foregoing amendments and remarks are fully responsive to prior Office Actions of record, and that the claims are allowable over the references applied by the Examiner. Applicants respectfully request that the Examiner reconsider the present application, remove the outstanding rejections, and allow the application to issue.

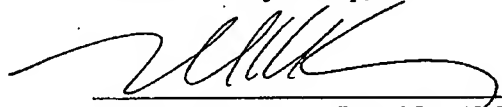
Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the undersigned attorney to discuss any issues relating to this application.

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No fee is believed due with the filing of this Amendment and Reply, other than the aforementioned fee for a 3-month extension of time and IDS. However, if an additional fee is due, Applicants authorize the payment of any additional charges that may be necessary to maintain the pendency of the present application to the undersigned attorney's Deposit Account No. 50-3342.

Respectfully submitted,
Michaud-Duffy Group, LLP



DATE: October 15, 2009

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